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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, SOUTHERN DIVISION

WESTERN WATERSHEDS PROJECT,

Plaintiff,

v.

NATIONAL PARK SERVICE, UNITED
STATES FISH AND WILDLIFE SERVICE,
LARRY CRIST, in his official capacity as
Utah Field Supervisor, Ecological Services,
U.S. Fish and Wildlife Service, SUSAN L.
FRITZKE, in her official capacity as
Superintendent of Capitol Reef National Park,
and KATE HAMMOND, in her official
capacity as Acting Regional Director,
Intermountain Region, National Park Service,

Defendants.

**DECLARATION OF
JONATHAN B. RATNER**

I, Jonathan B. Ratner, declare as follows:

1. The following facts are personally known to me, and if called as a witness I would and could truthfully testify to these facts.

2. I am a member of Western Watersheds Project (WWP), and have been a member since 2002.

3. I presently live in Pinedale, Wyoming, where I have lived since 2003.

4. I am WWP's Wyoming, Utah, and Colorado Director.

5. Prior to my employment with WWP, I was a professional biologist with four years of experience providing contract services for the BLM, USDA Forest Service, Wyoming Department of Game and Fish, the University of Wyoming, and the Interagency Grizzly Bear Study Team. My research focused on large forest carnivores, including grizzly bear, wolverine, lynx, and marten.

6. As both staff and a member of WWP, I rely on the organization to represent my personal and professional interests in maintaining, protecting, and restoring the public lands and resources of the public lands across the West, including in Utah, Wyoming and Colorado. I joined WWP and continue to support it because, of the dozens of organizations that I have worked with, WWP is by far the most effective at protecting the ecosystems of public lands and the species that depend upon it, like the Mexican spotted owl and plant species listed under the Endangered Species Act. In my opinion, the harms caused by public lands livestock grazing to soils, native habitats, streams, and fish and wildlife populations would never be addressed in any meaningful fashion were it not for WWP.

7. In my capacity as WWP's Wyoming, Colorado, and Utah Director, I oversee and implement all of WWP's conservation programs in these three states. My responsibilities include monitoring livestock grazing impacts on Forest Service, National Park Service (NPS), and Bureau of Land Management lands, and conducting research on the impacts of land management decisions on wildlife and ecosystem function throughout the states I cover. This encompasses a variety of tasks, including monitoring the implementation of and compliance of livestock management plans or other livestock management requirements, monitoring annual use limits imposed by a grazing permits terms and conditions (stubble height, utilization rates for uplands and riparian areas, willow utilization rates, stream-bank alteration, etc.), and conducting aerial surveys and photography to document watershed degradation in the form of erosion, gullyng, headcutting, hummocking, excessive bare ground, and vegetation alteration patterns.

8. I collect a large quantity of data each field season by conducting surveys, including bird habitat surveys, range condition surveys, forage production surveys, riparian condition monitoring and assessments, and fisheries habitat surveys.

9. In addition to monitoring grazing impacts and permit compliance, I conduct Wyoming's only state-approved, non-governmental water quality monitoring program. Specifically, I monitor water quality parameters such as e. coli contamination, dissolved oxygen, pH, turbidity, temperature, and salinity for compliance with state water quality standards. This program is particularly field-intensive because, for every site I monitor, I must collect five water samples within a 30-day period, each separated by a minimum of 24 hours. I conduct a similar monitoring program in Utah.

10. In order to perform my duties, I keep up to date with current science in the areas of range management, species conservation, water quality, fisheries biology, soils and erosion processes, hydrology, botany and other fields. This also includes research on the impacts of land management decisions, such as oil and gas development, habitat fragmentation, road construction, logging and livestock grazing.

11. I also attend training courses regularly in order to keep up to date with changes in the protocols as well as to insure I am refreshed in the procedures. I regularly attend training courses conducted by the federal agencies in the standard monitoring protocols used by the agencies. These include:

- a. Multiple Indicators Monitoring – This quantitative methodology is used for the collection of a wide array of both short-term and long-term parameters that define riparian conditions.
- b. Proper Functioning Condition – This qualitative method is used for rapid assessments of general stream conditions.
- c. Interpreting Indicators of Rangeland Health – This method collects a wide array of quantitative and qualitative data in order to assess upland range condition.

12. In addition, I have found the use of Geographical Information System (“GIS”) analysis invaluable in carrying out my duties. GIS analyses provide important information and patterns which would not be readily available through other means. Since 2003, I have taken numerous courses sponsored by ESRI to expand my knowledge of GIS, including an 8-hour training course entitled “Creating and Analyzing Surfaces using ArcGIS Spatial Analyst” in June 2009. I use GIS as part of my work on an almost daily basis. I estimate that I have used GIS analysis to create several hundred maps.

13. Due to the vast area I cover each field season, I spend a substantial portion of my time in the field. I spend approximately 100 nights each year camped out on the public lands. I

conduct a large amount of fieldwork and spend an enormous amount of time on public lands in Utah, Colorado, and Wyoming each year.

14. Through my work, as well as for personal enjoyment and recreation, I have visited Capitol Reef National Park dozens of times over the last decade.

15. Since 2009, I have recreated and collected data within the Park from its northern boundary, through the Cathedral, Hartnet, and South Desert areas, covering the entire Park north of the highway. I have also worked and recreated extensively from the highway south through the Sandy area and all the way down to Halls Canyon and the southern boundary of the Park.

16. I have hiked most of the canyons draining into the Park including, Polk Creek, Deep Creek, Water Creek, Pleasant Creek, Oak Creek, Sandy Creek, Halls Creek, Bitter Spring Creek and Bitter Creek.

17. I have visited Capitol Reef National Park four times so far in 2019. My most recent visit to the Park was on June 6, 2019. I plan to return for more data collection in October of 2019.

18. I have examined ecological conditions throughout the areas that are grazed and trailed by private livestock. I have collected data within exclosures constructed by the NPS to exclude livestock from small areas in order to study the impacts of livestock grazing on NPS resources. I have also collected data outside these exclosures in order to compare recovery and conditions within the exclosures to the impacts of the NPS's livestock grazing and trailing authorizations.

19. I have observed Winkler cacti, Wright fishhook cacti and Last Chance townsendia and their habitats. I have also observed Mexican spotted owl foraging habitats.

20. I have collected data regarding the condition of biological soil crust, a critical component of the Park's ecosystem, which has been nearly eliminated from areas accessible to livestock. As a result, soil erosion in these areas has greatly increased.

21. I have also collected data regarding violations of permit terms and conditions by grazing and trailing permittees within the Park

22. Over the last decade, I have also reviewed nearly all of the applicable NPS Policies, directives and other requirements in order to be able to compare Capitol Reef National Park's management (and lack thereof) to the requirements imposed by Congress and NPS itself.

23. I have also made the Park's leadership aware of its violations of the National Environmental Policy Act for its long standing failure to analyze the impacts of its grazing and trailing program on NPS protected resources. This helped lead to the Livestock Grazing and Trailing Management Plan Environmental Assessment (LGTMP EA) and decisions being challenged now.

24. During the multi-year process of developing the environmental impact statement and then the EA, I provided extensive analysis regarding NPS requirements and regarding current conditions and the impacts of the grazing and trailing program. Unfortunately, this challenge was necessitated by the NPS's strenuous and ardent efforts to ignore its own requirements and our input throughout these processes.

Harms from Livestock Grazing and Trailing and the Management Plan

25. Each time I have visited the Park I have been deeply injured by the degradation and destruction of resources and values, the protection of which this Park was established to specifically protect.

26. I am injured by the massive increases in soil erosion that have occurred due to the destruction of biological soil crust.

27. I am injured by the loss of natural vegetation and the resultant degradation of wildlife habitats that this loss causes.

28. I am injured by the degradation of precious riparian areas caused by the NPS's failure to implement its own requirements.

29. I am injured by the stench of livestock urine and feces in all areas where they graze and trail.

30. I am injured by the NPS's prioritization of livestock grazing and trailing over the protection of Endangered Species Act-listed species.

31. I am injured by the NPS's failure to control trespass livestock and the resultant damage to Park resources that trespass livestock create.

32. I am injured by the NPS's failure to comply with NPS Management Policies as well as a wide range of other directives in place to ensure NPS resources are protected for all Americans in perpetuity.

33. I continue to be injured by the LGTMP and associated decisions because they continue the long history of the NPS's failure to implement its own requirements. This will allow continue degradation and destruction of NPS resources.

34. My harms would be remedied in part by remanding the decision back to the NPS and ordering them to fully and completely implement all Policies and directives applicable to the grazing and trailing permits.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of August, 2019, in Pinedale, Wyoming

A handwritten signature in blue ink, appearing to read "Jonathan B. Ratner". The signature is stylized with large loops and a prominent initial "J".

Jonathan B. Ratner